

New York State Green Procurement Program
Response to Comments on

Proposed Specification on Packaging Language

Background: The proposed updated specification for “Packaging Language” was first considered by the Interagency Committee in December 2021 and tentatively approved for public comment. Based on comments received during 2021/2022, the specification has not been revised.

Commenting Entities: Clean and Healthy New York, Natracare, Seventh Generation, and Sierra Club Atlantic Chapter

Issues Raised by These Organizations During the Comment Period:

- 1. In the future update the specification to include a broader range of chemicals to avoid than those covered in the State’s Toxic’s in Packaging Law.**

Comments: The commenting entities encouraged adoption of the updated packaging specification, but also indicated that in the future they would like to see it updated again to include a broader range of chemicals to avoid than just those in the State’s Toxic’s in Packaging Law. They indicated that chemicals they would also like to see avoided include bisphenols, phthalates, certain UV stabilizers, vinyl (PVC), polystyrene, polycarbonate, PFAS, benzene, and toluene.

Response: This update of the packaging language was focused on introducing a preference hierarchy for types of packaging and did not look at updating the chemicals to avoid section. The committee will take these comments into consideration when deciding the next round of specifications to create/update.

Recommendation: Approve the specification as it is currently written and consider further updating the specification in the future to broaden the amount of chemicals to avoid.

Commenting Entities: Healthy Schools Network

Issues raised by the Healthy Schools Network During the Comment Period:

- 2. Include interior product packaging as part of the specification**

Comments: Healthy Schools Network commented that the specification appears to only cover the exterior packaging on a product and not the packaging that is inside of a box or container that protects the product itself during transport. They would like to see this called out with its own standards, including specifications around polystyrene foam.

Response: The updated specification covers both exterior and interior packaging that a product comes in. Please note that some protective packaging that contains expanded polystyrene foam is banned in New York State as of January 1st, 2022, for more information on the Expanded Polystyrene Foam

Container and Polystyrene Loose Fill Packaging Ban visit
<https://www.dec.ny.gov/chemical/120762.html>.

Recommendation: Approve the specification as it is currently written and consider further updating the specification in the future to set a preference for avoiding packaging that includes polystyrene foam and prioritizes protective packaging that is reusable, recyclable, compostable, or made with recycled content.